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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,846	09/20/2000	Graham Russell	9112.00	6406

7590 03/23/2004

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/665,846

Applicant(s)

RUSSELL ET AL.

Examiner

Stefano Karmis

Art Unit

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*ML*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The following application has been reviewed. Original claims 1-24 are pending. The objection and rejection is stated below:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9-18, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Geisel et al. (hereinafter Geisel) U.S. Publication US 2002/0073060.

Regarding independent claim 1, Geisel discloses a method of operating an image based processing system comprising determining whether physical tracer items are associated with an entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036).

Regarding independent claim 2, Geisel discloses a method of operation a distributed capture proof-of-deposit system having a central processing site and a number of branches connected via a network comprising capturing images of items at a branch without use of physical tracer items at the branch (page 5, paragraph 0056); transferring the images captured at the branch via the network to the central processing site (page 1, paragraph 0008).

Claim 3, processing at least some images at the central processing site using logical tracer items which have been inserted at the central processing site (page 3, paragraphs 0035-0036).

Claim 4, processing at least some images at the central processing site using physical tracer items which have been inserted at the central processing site (page 3-4, paragraphs 0039-0040).

Regarding independent claim 5, Geisel discloses a method of operation a distributed capture proof-of-deposit system having a central processing site and a number of branches connected via a network comprising capturing images of items at a branch without use of physical tracer items at the branch (page 5, paragraph 0056); transferring the images captured at the branch via the network to the central processing site (page 1, paragraph 0008). Processing at least some images at the central processing site using logical tracer items which have been inserted at the central processing site (page 3, paragraphs 0035-0036).

Claim 6, processing at least some images at the central processing site using physical tracer items which have been inserted at the central processing site (page 3-4, paragraphs 0039-0040).

Claim 9, Geisel discloses a method of operating an image based processing system comprising determining whether physical tracer items are associated with an entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036).

Claim 10, assigning a logical pocket number to each logical tracer item in the logical group of tracer items (page 3, paragraph 0036 and page 3, Table 1).

Claim 11, for each logical tracer item, encoding a physical blank item with information associated with the particular logical tracer item (page 3, paragraph 0036-0039 and page 3, Table 1).

Claim 12, for each encoded item, routing the encoded item to a pocket which has the logical pocket number (page 3, paragraph 0036-0039 and page 3, Table 1).

Regarding independent claim 13, Geisel discloses a system of operating an image based processing system comprising determining whether physical tracer items are associated with an

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entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036).

Regarding independent claim 14, Geisel discloses a system of operation a distributed capture proof-of-deposit system having a central processing site and a number of branches connected via a network comprising capturing images of items at a branch without use of physical tracer items at the branch (page 5, paragraph 0056); transferring the images captured at the branch via the network to the central processing site (page 1, paragraph 0008).

Claim 15, processing at least some images at the central processing site using logical tracer items which have been inserted at the central processing site (page 3, paragraphs 0035-0036).

Claim 16, processing at least some images at the central processing site using physical tracer items which have been inserted at the central processing site (page 3-4, paragraphs 0039-0040).

Regarding independent claim 17, Geisel discloses a system of operation a distributed capture proof-of-deposit system having a central processing site and a number of branches connected via a network comprising capturing images of items at a branch without use of physical tracer items at the branch (page 5, paragraph 0056); transferring the images captured at the branch via the network to the central processing site (page 1, paragraph 0008). Processing at

least some images at the central processing site using logical tracer items which have been inserted at the central processing site (page 3, paragraphs 0035-0036).

Claim 18, processing at least some images at the central processing site using physical tracer items which have been inserted at the central processing site (page 3-4, paragraphs 0039-0040).

Claim 21, Geisel discloses a system of operating an image based processing system comprising determining whether physical tracer items are associated with an entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036).

Claim 22, assigning a logical pocket number to each logical tracer item in the logical group of tracer items (page 3, paragraph 0036 and page 3, Table 1).

Claim 23, for each logical tracer item, encoding a physical blank item with information associated with the particular logical tracer item (page 3, paragraph 0036-0039 and page 3, Table 1).

Claim 24, for each encoded item, routing the encoded item to a pocket which has the logical pocket number (page 3, paragraph 0036-0039 and page 3, Table 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 7-8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisel et al. (hereinafter Geisel) U.S. Publication US 2002/0073060.

Regarding independent claim 7, Geisel teaches a method of operating an image based processing system comprising determining whether physical tracer items are associated with an entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036). Geisel fails to teach capturing the image at the central processing site. Official Notice is taken that image capturing at the central processing site is old



and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Geisel could be modified so that the image capturing could be performed at the central site because the image is transferred to the central site and the central site requires viewing the image.

Claim 8, processing at least some images at the central processing site using physical tracer items which have been inserted at the central processing site (page 3-4, paragraphs 0039-0040).

Regarding independent claim 19, Geisel teaches a system of operating an image based processing system comprising determining whether physical tracer items are associated with an entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036). Geisel fails to teach capturing the image at the central processing site. Official Notice is taken that image capturing at the central processing site is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Geisel could be modified so that the image capturing could be performed at the central site because the image is transferred to the central site and the central site requires viewing the image.

Claim 20, processing at least some images at the central processing site using physical tracer items which have been inserted at the central processing site (page 3-4, paragraphs 0039-0040).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Bednar et al., US Patent 5,825,506 Oct. 20, 1998. Method and apparatus for image processing at remote sites.

b) Gawne, US Patent 6,438,433 Aug. 20, 2002. Financial document processing system and method of operating a financial document processing system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
17 March 2004

**RICHARD WEISBERGER**  
**PRIMARY EXAMINER**